

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 18-20043

v.

Honorable Nancy G. Edmunds

SHANKEIA PERRY,

Defendant.

ORDER DENYING MOTION FOR COMPASSIONATE RELEASE [137]

Pending before the Court is Defendant Shankeia Perry's motion for compassionate release. (ECF No. 137.) A district court may not grant a defendant's motion for compassionate release unless the defendant files it after the earlier of (1) the defendant "fully exhaust[ing] all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf," or (2) "the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A). This exhaustion requirement is mandatory. *United States v. Alam*, 960 F.3d 831, 834 (6th Cir. 2020).

The Government argues the motion should be denied because Defendant has not presented evidence that she satisfied the mandatory administrative exhaustion requirement. (ECF No. 139.) The Government also notes that the Bureau of Prisons has no record of a request from Defendant for compassionate release. Following the direction of the Sixth Circuit, Defendant's motion is hereby **DENIED without prejudice** because Defendant failed to exhaust her administrative rights prior to seeking relief in this Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 8, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 8, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager